

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: SOM' Beach Ltd.
PROPOSAL NAME: SOM' Beach Marina

CLASS OF DEVELOPMENT: Two
TYPE OF DEVELOPMENT: Recreation - Marinas
CLIENT FILE NO.: 5700.00

OVERVIEW

The Proposal was received on February 20, 2014. It was dated February 19, 2014. The advertisement of the proposal was as follows:

“A proposal has been filed by SOM' Beach Ltd. for the construction of a marina in NE 6-26-8W on Moosehorn Bay in Lake Manitoba northwest of Ashern. The marina would be constructed behind a proposed 21 lot cottage subdivision and would primarily be used by subdivision lot-owners. The marina would be approximately 100 m inland from the lake, and would be approximately 100 m long and 30 m wide. Construction is planned for 2014.”

The Proposal was advertised in the Gimli Interlake Spectator on Thursday, March 13, 2014. It was placed in the online public registry, the Legislative Library and Millennium Public Library (Winnipeg) public registries. The Proposal was distributed to TAC members on March 13, 2014. The closing date for comments from members of the public and TAC members was April 14, 2014.

COMMENTS FROM THE PUBLIC

No public comments were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE

Manitoba Conservation and Water Stewardship – Environmental Programs and Strategies Branch, Air Quality Section

No comment. The proposal has no significant impact on air quality.

Manitoba Conservation and Water Stewardship – Lands Branch

No concerns.

Manitoba Conservation and Water Stewardship – Lands Branch, Land Management and Planning Section

No comment as the subject land is under private land tenure.

Manitoba Conservation and Water Stewardship – Parks and Natural Areas Branch

No comments or concerns to offer.

Manitoba Conservation and Water Stewardship – Wildlife Branch

No concerns with the development of a marina associated with the Som Beach cottage sub-division. However, the proponents should be advised that the proposed development will attract Canada Geese and that any problems caused by increased goose use will not be actioned by the region's enforcement staff.

Disposition:

This information was provided to the proponents.

Manitoba Conservation and Water Stewardship – Office of Drinking Water

The proposal notes that water supply to the cottages would be individual wells at each cottage and wastewater disposal by individual pump-out tanks. Based on this, ODW would have no concerns with this EAP or the proposed development.

Manitoba Infrastructure and Transportation - Highway Planning and Design Branch, Environmental Services Section

No concern.

Manitoba Infrastructure and Transportation – Hydrologic Forecasting Branch

The proposed marina is located adjacent to Lake Manitoba. Aerial photographs (attached) captured during the 2011 flood event indicate that the location was completely inundated during that flood event.

The natural ground elevation of the proposed is approximately 248.1 m (814 ft) G. S. of Datum and is therefore subject to the high water of Lake Manitoba. The corresponding Flood Protection Level at this location is approximately 249.6 meters (818.8 feet) G. S. of C. Datum.

Hydrologic Forecasting has no objections to the EAP for the purposes indicated. However, current and future owners should be made aware of the potential flood hazard, and provide flood protection for all permanent structures associated with the marina. Any permanent structures should be constructed to a minimum elevation of the Flood Protection Level of 249.6 meters (818.8 feet) G. S. of C. Datum.

Disposition:

This information was provided to the proponent and can be addressed in a licence condition.

Manitoba Municipal Government – Community and Regional Planning Branch

Community and Regional Planning has reviewed the SOM Beach Ltd. proposal for a marina to be constructed in 2014 at NW ¼ 6-26-8 WPM approximately 10 miles NW of Ashern in the RM of Siglunes. The proposed marina is to be used primarily by lot owners of an adjacent proposed 21 lot cottage subdivision at Moosehorn Bay on Lake Manitoba.

The affected property is designated *Agriculture Rural* in the Western Interlake Planning District Development Plan By-law No. 2/04 and zoned “AG” *Agricultural General* in the RM of Siglunes Zoning By-law No.6/05. Amendment to the Development Plan would be required for both the marina and the proposed subdivision.

WIPD By-law 1-13 proposed to re-designate the subject property from Agricultural Rural Area to Recreation Area to accommodate seasonal residential development along the shore of Lake Manitoba. However, the Hydrological Forecasting Branch of Manitoba Infrastructure and Transportation advises that the land involved in the proposed redesignation were entirely inundated by floodwaters during the high water events that occurred around Lake Manitoba in 2011.

Accordingly, the Minister of Municipal Government “is not prepared to consider the by-law until a geotechnical analysis is completed by a qualified professional that confirms that the subject lands, and any resulting development can be safely protected from future high water events and that any long-term impacts of wave action and erosion can be suitably mitigated.” Consequently, our office cannot support the EAP proposal for a marina at this site at this time.

Disposition:

These comments were discussed with the Community and Regional Planning Branch, and it was agreed that an Environment Act Licence for the project should be held pending the necessary amendment to the Development Plan.

ADDITIONAL INFORMATION

No additional information was required to address comments on the proposal.

On March 6, 2015 the applicant advised that approval had been obtained for the Development from the Western Interlake Planning District.

PUBLIC HEARING

As no public comments were received and no requests for a hearing were filed, a public hearing is not recommended.

CROWN-ABORIGINAL CONSULTATION

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right of that First Nation, Métis community or other Aboriginal community.

The project involves the construction and operation of a marina servicing a cottage subdivision on privately owned land adjacent to Lake Manitoba. No impact is anticipated on resource use and consequently on Aboriginal or treaty rights. It is concluded that Crown-Aboriginal consultation is not required for the project.

RECOMMENDATION

Most comments received on the proposal have been addressed through the provision of information to the proponent or can be addressed through licence conditions. An amendment to the Western Interlake Planning District Development Plan has been completed. It is recommended that the Development be licensed under *The Environment Act* subject to the limits, terms and conditions as described on the attached draft Environment Act Licence. It is further recommended that enforcement of the Licence be assigned to the Central Regional office (Selkirk) of the Environmental Compliance and Enforcement Branch.

PREPARED BY:

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Environmental Approvals Branch – Land Use and Energy Section

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